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24 UNITED STATES DISTRICT COURT  
25 NORTHERN DISTRICT OF CALIFORNIA

26 MICHELE MAZUR, individually and for all  
27 others similarly situated,

28 Plaintiff,

vs.

EBAY, INC., HOT JEWELRY  
AUCTIONS.COM d/b/a JEWELRY  
OVERSTOCK AUCTIONS, HOT JEWELRY  
AUCTIONS.COM d/b/a PARAMOUNT  
AUCTIONS, and DOES 1-100, inclusive,

Defendants.

Case No. C 07 3967 MHP

JOINT CASE MANAGEMENT STATEMENT  
OF PLAINTIFFS AND DEFENDANT HOT  
JEWELRY AUCTIONS.COM

Date: November 5, 2007

Time: 4:00 p.m.

Ctrm: 15

Judge: Hon. Marilyn Hall Patel

Defendant Hot Jewelry Auctions.com d/b/a Jewelry Overstock Auctions and Paramount  
Auctions ("HJA") hereby joins in the Joint Case Management Statement and Proposed Order of  
Plaintiffs and Defendant eBay filed October 22, 2007 ("October 22 Case Management

Statement"). As noted herein, HJA adds additional information where relevant. HJA and Plaintiff Michele Mazur ("Plaintiff") request that the Court issue an appropriate Case Management Order.

**1. Jurisdiction and Venue**

In addition to the description provided in the October 22 Case Management Statement, in which HJA joins, HJA hereby adds:

In addition to the description provided in the October 22 Case Management Statement, in which HJA joins, HJA hereby adds:

HJA has moved to stay this action pending arbitration. Pursuant to the Dispute Resolution provision provided in HJA's Terms and Conditions the arbitration is to take place in Los Angeles California.

**2. Facts**

**A. Brief Description of the Parties Involved**

In addition to the description provided in the October 22 Case Management Statement, in which HJA joins, HJA hereby adds:

Defendant HotJewelryAuctions.com is a website owned by Hill Street Jewelers USA, Inc., a California corporation, that uses the registered eBay User IDs Jewelry Overstock Auctions and Paramount Auctions.

**B. Overview of Plaintiff's Allegations**

HJA hereby joins in the overview provided in the October 22 Case Management Statement.

**3. Legal Issues and Motions**

In addition to the description provided in the October 22 Case Management Statement, in which HJA joins, HJA hereby adds:

HJA has moved to stay this action pending arbitration based on the Dispute Resolution provision provided in its Terms and Conditions.

**4. Amendment of the Pleadings**

HJA hereby joins in the statement provided in the October 22 Case Management Statement.

1 **5. Evidence Preservation**

2 In addition to the description provided in the October 22 Case Management Statement,  
3 HJA hereby adds:

4 HJA has instituted evidence preservation practices with respect to evidence that is  
5 potentially relevant in this action.

6 **6. Disclosures**

7 HJA hereby joins in the statement provided in the October 22 Case Management  
8 Statement.

9 **7. Discovery**

10 In addition to the description provided in the October 22 Case Management Statement, in  
11 which HJA joins, HJA hereby adds:

12 The parties propose to revisit the timing for initial disclosures and the discovery schedule  
13 at a later date following resolution of HJA's motion to stay pending arbitration.

14 **8. Class Actions**

15 HJA hereby joins in the statement provided in the October 22 Case Management  
16 Statement.

17 **9. Relief**

18 In addition to the description provided in the October 22 Case Management Statement, in  
19 which HJA joins, HJA hereby adds:

20 HJA denies the allegations of the Complaint and denies the Plaintiff is entitled to the  
21 requested relief.

22 **10. Settlement and ADR**

23 In addition to the description provided in the October 22 Case Management Statement, in  
24 which HJA joins, HJA hereby adds:

25 HJA has moved stay this action pending arbitration. Plaintiff has not yet agreed to submit  
26 to arbitration.

27

28

1 **11. Consent to Magistrate Judge**

2 HJA hereby joins in the statement provided in the October 22 Case Management  
3 Statement.

4 **12. Other References**

5 HJA has filed a motion to stay this action pending arbitration and, in accordance with that  
6 motion believes this case is suitable for binding arbitration.

7 **13. Narrowing of the Issues**

8 HJA hereby joins in the statement provided in the October 22 Case Management  
9 Statement.

10 **14. Expedited Schedule**

11 HJA hereby joins in the statement provided in the October 22 Case Management  
12 Statement.

13 **15. Scheduling**

14 In addition to the description provided in the October 22 Case Management Statement, in  
15 which HJA joins, HJA hereby adds:

16 The parties propose to revisit the timing for scheduling expert discovery and pretrial  
17 issues, if necessary, at a later date following resolution of HJA's motion to stay the action pending  
18 arbitration.

19 **16. Trial**

20 In addition to the description provided in the October 22 Case Management Statement, in  
21 which HJA joins, HJA hereby adds:

22 The parties propose to revisit the issue of whether the case will be tried to a jury or the  
23 court and the expected length of the trial, if necessary, at a later date following resolution of HJA's  
24 motion to stay the action pending arbitration.

25 **17. Disclosure of Non-party Interested Entities or Persons**

26 In addition to the description provided in the October 22 Case Management Statement,  
27 HJA hereby adds:

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1 HJA, pursuant to Civil L.R. 3-16, states that the following listed persons, associations of  
2 persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have  
3 a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have  
4 a non-financial interest in that subject matter or in a party that could be  
5 substantially affected by the outcome of this proceeding:

6 Hill Street Jewelers USA, Inc., a California corporation, is the owner of the website  
7 HotJewelryAuctions.com and uses the registered eBay User IDs Jewelry Overstock Auctions and  
8 Paramount Auctions.

9 Dated: November 2, 2007

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
STEPHEN S. WALTERS  
CATHY A. HONGOLA

12 By: /s/ Stephen S. Walters

13 STEPHEN S. WALTERS  
14 Attorneys for Defendant  
15 HOT JEWELRY AUCTIONS.COM d/b/a  
JEWELRY OVERSTOCK AUCTIONS and  
PARAMOUNT AUCTIONS

16 Dated: November 2, 2007

BALESTRIERE PLLC  
MATTHEW SIROKA  
JOHN BALESTRIERE  
CRAIG LANZA

19 By: 

20 CRAIG LANZA  
21 Attorneys for Plaintiff  
22 Michele Mazur  
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5 I declare under penalty of perjury under the laws of the United States that the foregoing is  
6 true and correct. Executed November 2, 2007 in San Francisco, California.

/s/ Stephen S. Walters  
Stephen S. Walters

**CASE MANAGEMENT ORDER**

The Joint Case Management Statement and Proposed Order herein is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Marilyn Hall Patel  
United States District Court Judge